

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE:

No. 14-MD-2543 (JMF)

GENERAL MOTORS LLC IGNITION SWITCH LITIGATION

This Document Relates To All Actions

**APPLICATION OF MARY E. ALEXANDER, ESQ. FOR
APPOINTMENT TO PLAINTIFFS' EXECUTIVE COMMITTEE**

Pursuant to Part II of Order No. 5, I, Mary E. Alexander of Mary Alexander & Associates, P.C. located in San Francisco, California, hereby submit an Application for Appointment to Plaintiffs' Executive Committee to assist Lead Counsel. I look forward to the opportunity to work on this matter with all the other outstanding Plaintiffs' counsel.

1. Extensive Knowledge and Experience in Prosecuting Complex Litigation

I am the Principal of Mary Alexander & Associates, P.C., specializing in personal injury, products liability and business litigation. I am an "AV" rated attorney at law, in good standing, and since 1982, have been duly licensed to practice before the courts in the State of California. I obtained my J.D. and Honorary Doctor of Laws from Santa Clara University, Master of Public Health from University of California, Berkeley, and Bachelor of Arts from University of Iowa. Prior to my legal career, I was a research scientist in medical toxicology and director of environmental health at Stanford Research Institute.

My firm and I have handled a significant amount of complex and mass tort, class, personal injury and shareholder derivative cases. I have been co-lead in many significant complex actions. Most recently, in the summer of 2013, I tried, along with co-lead counsel, the Lead Paint case (*People v. Atlantic Richfield* in Santa Clara County Superior Court, State of California, Case No. 1-00-CV-788657.)

After an almost fourteen-year legal battle fought on behalf of millions of children in California, a \$1.15 billion verdict was won against three lead paint companies. This public

nuisance case was tried on behalf of the counties of San Francisco, Alameda, San Mateo, Santa Clara, Los Angeles, Monterey, Solano, Ventura, and the cities of Oakland and San Diego. Thirteen years of pretrial maneuvers, countless motions, two appeals, multiple writs and defense delays finally ended with a verdict that will allow the local governments to eliminate the health hazards posed by lead paint in homes. There were over 100 depositions and 29 witnesses examined at trial, including 18 experts.

I, along with members of the Lead Paint team, received the 2014 Trial Lawyer Year of the Award from Public Justice on July 27, 2014. I and co-lead counsel received the 2014 Trial Lawyer of the Year Award from the San Francisco Trial Lawyers' Association on April 17, 2014.

In 2012, I was inducted into the Trial Lawyer Hall of Fame of the California State Bar Litigation Section. In 2013, I was the recipient of American Association for Justice's Leonard Ring Champion of Justice Award recognizing my continued dedication to human and civil rights. I am past President of American Association for Justice, formerly Association of Trial Lawyers of America ("ATLA"), past President of the Pound Institute, and past President of the Consumer Attorneys of California, formerly the California Trial Lawyers Association. I have been a member of the American Board of Trial Advocates (since 1997) and have served on numerous committees for the Judicial Council of California. I received the "Trial Lawyer of the Year" award from Themis Capital Corporation and was named one of the top 10 trial lawyers in the Bay Area by the San Francisco Chronicle. The legal newspaper The California Daily Journal named me one of the top 100 most influential lawyers in California and one of the top 30 women trial lawyers in California. I have been named a Northern California Super Lawyer each year since 2006. ATLA's Minority Caucus awarded me with the Trailblazer award and I received the Pursuit of Justice Award from the ABA Tort Trial & Insurance Practice Section. I was also the award recipient of the Consumer Attorneys of California's Marvin E. Lewis award and the Edward I. Pollock award. Santa Clara School of Law's Alumni Association awarded me their Special Achievement Award.

I have been involved, including leadership and liaison counsel roles, in the following cases: In Re: Diet Drug Litigation (Fen-Phen), Los Angeles Superior Court, J.C.C.P. 4032 (co-counsel for 164 Plaintiffs; and member of the Plaintiffs' Litigation Committee); In Re: Surgical Sutures II (Vicryl sutures), Alameda County Superior Court, J.C.C.P. 4148 (co-counsel for 20 Plaintiffs); *Clinton O. Walden v. Johnson & Johnson, et al.* (knee implants) USDC New Jersey, Case No. 03-CV-3285 (along with 33 other individual actions); *Ara Hazarian, et al. v. Showa Denko, et al.* (L-Tryptophan supplement) San Francisco Superior Court, Case No. 925578,; In Re: Vioxx Products Liability Litigation, USDC Eastern District of Louisiana, Case No. MDL 1657; *Marie-Paule Spieser v. the Attorney General of Canada*, Superior Court (Class Action Division) Province of Quebec, Case No. 200-06-000038-037; Tenet Healthcare Cases II, J.C.C.P. No. 4289, *Susan Jayne Moran and Nancy Ferreira, et al. v. Tenet Healthcare Corp.* (San Luis Obispo County Superior Court CV 030070); The Vaccine Cases, J.C.C.P. No. 4246; *In Re Brocade Communications Systems, Inc.* (USDC Northern California C 05-02233 CRB); *Susan Willis v. Rajeev Madhavan, et al. (Magma Design Automation)* (Santa Clara County Superior Court 1-05-CV054834); *Jacob Sapirstein v. Alan B. Lefkof, et al. (Netopia, Inc.)* (Alameda Superior Court Case No. RGO6253035); *Leslie R. Wachs v. A. Thomas Bender, et al. (The Cooper Companies)* (Alameda County Superior Court Case No. RG06266913); *Michael A. Bernstein Profit Sharing Keogh Plan v. Harold Hughes, et al. (Rambus)* (USDC Northern California 5:06-CV-04346); *Triniia Salehinasab, Derivatively on Behalf of Sanmina-SCI Corporation* (Santa Clara County Superior Court 06-CV-071786); *Philip Keller, Derivatively on behalf of Nominal Defendant Pegasus Wireless Corporation v. Alex Tsao, et al.* and Pegasus Wireless Corporation, Nominal Defendant (Alameda County Superior Court RG06-303398); *Kaushik B. Patel, Derivatively on Behalf of Foundry Networks, Inc.* (Santa Clara County Superior Court 1-07-CV-080813); and *Eli Alama, Derivatively on Behalf of Hansen Natural v. Sacks, et al.* (Riverside County Superior Court RIC 463968) and Dalkon Shield litigation.

Mary Alexander & Associates, P.C. has a strong reputation amongst the defense bar and the bench as fierce advocates, hard workers, creative legal minds and as successful trial attorneys.

2. Willingness and Ability to Commit to the Time-Consuming Process

From having worked on these types of cases, I understand the commitment and time necessary to successfully prosecute this action. I am willing to commit as I have done in others, including Lead Paint, which has been ongoing for 14 years (including three rounds of appeals). I have committed substantial resources to class actions and mass torts over long periods of time. For example, the class action for water pollution and cancer cases in the *Shannon* Class Action since 2010 and Lead Paint since 2000, and continuing.

3. Willingness and Ability to Work Cooperatively with Others

Throughout my career, as set forth in detail above, I have held many leadership roles and have worked well with others in order to accomplish the goals of the organizations I led and prosecute the cases in which I have had leadership or liaison roles. I know what it takes to collectively work together when there are competing priorities and many tasks to complete. I am willing and able to work with others on both sides in this complex matter.

4. Access to Resources to Prosecute the Litigation in a Timely Manner

My firm, consisting of three full-time attorneys, has the resources necessary to prosecute this matter. I often hire additional counsel as needed to work on complex cases to handle such cases expeditiously. I am willing to devote the resources necessary to serve on the Executive Committee, conduct discovery, investigation, law and motion and trial.

5. Work Done in Identifying, Investigating or Prosecuting Potential Claims

My firm has spent numerous hours reviewing documents, conducting research, identifying and investigating the GM ignition switch defects, recalls and claims. The Gebremariam Class Complaint, Case No. 8:14-cv-00627, which my firm filed on April 21, 2014 in the Central District of California, was the first to include the third recall that GM issued shortly before on April 10, 2014. I hired experts to inspect the Gebremariam vehicle and to

investigate potential claims. An inspection with Plaintiff's experts and GM's counsel and experts occurred in May 2014.

I have been speaking and working with other Plaintiffs' attorneys throughout the country about this matter. Attorney Jennifer Fiore of my firm cooperated with other attorneys for the arguments before the May 2014 JPML hearing in Chicago.

6. Knowledge of Applicable Law

My firm has handled hundreds of consumer cases in state and federal courts in California and throughout the country. We have extensive experience and understanding of consumer protection and product liability laws, defective vehicles, successor liability, bankruptcy, deceptive and unlawful advertising and marketing, fraud, warranties, unjust enrichment, restitution, punitive damages, declaratory and/or injunctive relief. I successfully resolved defective vehicle cases, such as Ford Explorers, other SUVs and recreation vehicles.

7. Geographic Diversity

The majority of cases, including Gebremariam's action, were filed in the Central District of California. Having one or more attorneys from California would be advantageous given that there are more defective vehicles – more GM owners and lessors, and consumers harmed – and GM dealers in California than any other state; GM's Western Region Headquarters are located in the Central District (Thousand Oaks, Ventura County); and the vast majority of GM sales and inventory go through this regional headquarters, which directs sales, service and parts with dealers in 13 states, including California.

I respectfully request the opportunity to address the Court at the August 11, 2014 Initial Conference to further present my qualifications to serve on the Executive Committee.

Dated: July 28, 2014.

By: /s/ Mary E. Alexander, Esq.
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CERTIFICATE OF SERVICE

I certify that the above pleading was electronically filed with the Clerk of the Court of the United States District Court for the Southern District of New York and has been sent to all counsel by using the CM/ECF filing system on July 28, 2014.

By: Mary E. Alexander